

Prohibition of tobacco-related advertising – Article 19 – point (2)

On advertising

Law of the Republic of Moldova
No. 1227-XIII dated June 27, 1997
(Monitorul Oficial, October 16, 1997, no. 67-68, part I, art. 555)

Parliament has approved this law.

This law defines the basic principles of advertising activities in the Republic of Moldova relating to creation of advertising, its placement and its dissemination.

Chapter I GENERAL PROVISIONS

Article 1. Basic concepts

The following basic concepts are applied in this law:

advertising - public information about persons, goods (work, services, ideas or undertakings (advertising information, advertising material) acknowledged as arousing and maintaining interest in them among an indeterminate circle of people, facilitating their sale and enhancing the prestige of the manufacturer (in the redaction of the Law No. 522-XV dated December 18, 2003);

form of advertising - the method of dissemination of advertising information which helps a given party to advertising activity to exert a controlled influence on an indeterminate circle of people;

party to advertising activity - advertiser, producer of advertising, disseminator of advertising;

advertiser - person or entity which is the source or subject of advertising information which is planned for production, placement and eventual dissemination of the advertising;

producer of advertising - a person or entity which fully or partly puts advertising information into a form allowing it to be disseminated;

advertising disseminator - a person or entity which places and disseminates advertising (advertising information) via any information medium;

consumer of advertising - a person or entity which uses or can use advertising (advertising information);

inappropriate advertising - dishonest, inaccurate, hidden or similar advertising;

refutation - actions intended to eliminate the consequences of inappropriate advertising.

Article 2. Legislation on advertising

Legislation on advertising consists of the Constitution of the Republic of Moldova, the laws and regulations of Parliament, international treaties to which the Republic of Moldova is one of the parties, decrees of the President of the Republic, regulations and ordinances of the Government and other legal acts adopted in accordance with the aforementioned acts (in the redaction of the Law No. 522-XV dated December 18, 2003).

Article 3. Sphere of application of the law

(1) This law is applied in all spheres of advertising activity (except political advertising and proclamations not related to carrying on entrepreneurial activity) on the territory of the Republic of Moldova.

(2) This law applies to both private individuals and legal entities, including foreigners and those without citizenship, carrying on advertising

activity on the territory of the Republic of Moldova.

Article 4. Copyright to advertising

(1) Advertising can fully or partially be copyrighted by individuals and legal entities with respective protection of the law.

(2) Use as advertising material of copyrighted texts, photographs, recordings on a material support, works of visual art and the decorative and applied arts, as well as outdoor advertising media is permitted only on the basis of a contract between the copyright holder and the producer (disseminator) of the advertising.

Chapter II PARTIES, OBJECTS OF AND BASIC PRINCIPLES OF ADVERTISING ACTIVITY

Article 5. Parties to advertising activity

(1) Parties to advertising activity (advertisers, producers of advertising and disseminators of advertising) are private individuals and legal entities, without regard to the form of property and organizational-legal form, which publicly present advertising information in the established order with the help of artistic, technical or psychological methods for the purpose of shaping demand and carrying on the effective sale of goods or services.

(2) The rights and interests of parties to advertising activity are protected by this law and by other legal acts adopted in accordance with it.

Article 6. Objects of advertising activity

Objects of advertising activity include any forms, methods, supports and media of audiovisual or other communications used to transmit advertising information to consumers of advertising.

Article 7. Basic principles of advertising activity

The basic principles of advertising activity are:

- a) loyalty, honesty, accuracy and ethical quality of advertising (in the redaction of the Law No. 522-XV dated December 18, 2003);
- b) use of forms, methods and media not causing spiritual, moral or psychological harm to consumers of advertising;
- c) fair competition;
- d) responsibility to consumers, society and the state.

Chapter III REQUIREMENTS ON ADVERTISING

Article 8. General requirements

(1) Advertising should be loyal and fair.

(2) Advertising should be so identified without special knowledge and without using technical means.

(3) Advertising must not confuse people or harm the interests of consumers.

(4) In mass media advertising should be clearly separated from other programs and materials with the help of printed, audiovisual or combined means or commentaries. As a rule, advertising is placed within blocks.

(5) The disseminator of advertising must not edit or influence the content of programs.

(6) Advertising acting on people's subconscious is prohibited.

(7) Dissemination of advertising is done in the Moldavian language or, at the wish of the advertiser, in other languages in accordance with the Constitution of the Republic of Moldova, the Law on the Functioning of Languages on the Territory of the Republic of Moldova, as well as international treaties

to which the Republic of Moldova is a party.

(8) Disguised advertising is forbidden.

(9) It is prohibited to advertise a product (service) which requires certification (licensing) if there is no certificate (license), as well as advertising a product (service) which it is forbidden to produce and sell in accordance with current legislation.

(10) It is not allowed to use state symbols, the names or abbreviations of companies, enterprises, or institutions in advertising without permission.

(11) Advertising must not:

a) contradict the interests of the state;

b) prompt actions violating environmental protection legislation;

c) contain information which is unreliable;

d) raise panic, contain elements instigating violence, aggression, dangerous actions which can cause harm to people or threaten their safety;

e) without explained educational or social causes contain images or descriptions of dangerous activity or situations in which we see negligence of safety measures.

(12) Information about television and radio programs is not advertising and is disseminated in the mass media free of charge (in the redaction of Laws No. 314-XV dated June 28, 2001; No. 522-XV dated December 18, 2003).

Article 9. Unfair advertising

(1) Unfair advertising is advertising which:

a) discredits private individuals or legal entities who do not use the advertised products;

b) contains incorrect comparisons of the advertised product with similar products from another business party, as well as statements or images defaming the honor, worth or business reputation of a competitor;

c) includes an image of a person, a reference to him or description of his property without getting prior consent for this by means which can create the impression of this person's approval of the content of the advertising information.

(2) Unfair advertising is prohibited.

Article 10. Inaccurate advertising

(1) Advertising is inaccurate when it contains information which does not correspond to reality with respect to:

a) specifications of a product which the consumer needs indicated by regulation on the label of the product, such as the variety, composition, date of manufacture, intended purpose, usage characteristics, conditions of use, and recommendations for handling, match of the product with standards, manufacturer's trademark, place of origin and manufacture of the product;

b) the presence of a certificate on the product, the possibility of purchasing it, price, time and place of purchase and additional conditions of payment;

c) delivery, exchange, return, repair and servicing of the product;

d) warranty obligations, service life or usable period of the product;

e) exclusive rights to the intellectual property and similar means of individualization of private persons and legal entities, as well as of the product (work, services);

f) rights to use state symbols (flag, coat of arms, anthem);

g) official recognition of the advertised products (work, services), receipt of medals, prizes, diplomas and other awards;

h) excerpts from the results of research and tests, citations from technical, scientific and other publications, scientific terms or references to out-of-date recommendations;

i) selective statistical data including data reflecting the level of

demand for the product.

(2) Inaccurate advertising is prohibited.

Article 11. Unethical advertising

(1) Unethical advertising is advertising which:

a) violates generally accepted norms of humaneness and morality by using insulting words, defamatory comparisons or images with respect to race, nationality, profession, social category, age group, sex, language, religious, philosophical, political and other convictions of private individuals;

b) denigrates works of art which are national or world cultural heritage;

c) insults state symbols (flag, coat of arms, anthem), religious symbols, as well as the national currency of the Republic of Moldova or any other state.

(2) Unethical advertising is prohibited.

Article 12. Advertising acting on the subconscious

(1) Advertising which acts on the subconscious exerts on the consumer a concealed effect by using special audio and video inserts (double overlay, 25th frame) or by other prohibited means (in the redaction of the Law No. 522-XV dated December 18, 2003).

(2) Advertising acting on the subconscious is prohibited (in the redaction of Law No. 522-XV dated December 18, 2003).

Article 13. Advertising on radio and telephone

(1) The broadcasting time of advertising must not exceed 15 percent of airtime every 24 hours on each frequency of television and radio channels or 20 percent of one hour's airtime. This provision does not apply to specialized advertising information channels (in the redaction of the Law No. 522-XV dated December 18, 2003).

(2) Advertising must be placed in the interval between broadcasts. Except for conditions stipulated in parts (3) - (6), advertising can also be placed in the course of broadcasts in such a way that it does no harm to the integrity and value of the broadcast and does not infringe on the rights of proprietors of the right (in the redaction of the Law No. 522-XV dated December 18, 2003).

(3) In the course of broadcasts consisting of separate parts or in sports broadcasts, broadcasts about events, broadcasts of shows with similar structure in which there are intermissions, the advertising can be placed only between parts of these broadcasts or in the intermissions.

(4) The broadcast of audio-visual works such as television films (except for serials, entertainment programs and documentary films) lasting more than 45 minutes can be interrupted once after each period of 45 minutes. Further interruption is permitted if the length of the program exceeds no less than by 20 minutes two or more full 45-minute periods.

(5) For program interruption to serve advertising purposes other than as indicated in part (4), it is necessary that after each following advertising pause no less than 20 minutes go by.

(6) Advertising cannot be placed during broadcasts of religious services. Television journals, news programs, documentary films, broadcasts on religious topics and broadcasts for children lasting less than 30 minutes cannot be interrupted for advertising. If the length of such broadcasts amounts to 30 minutes or more, the provisions of part (5) apply.

(7) When using advertising in the form of overlay, including the method of "ticker tape," its size must not exceed seven percent of the area of the screen.

(8) Advertising for one and the same product (work, services), as well as advertising about the advertiser, can be disseminated no more than twice with a duration of no more than two minutes in the course of one hour of airtime

of a radio or television channel on a single broadcast frequency.

(According to the Law No. 522-XV dated December 18, 2003, article 13 is supplemented by new parts (3) and (4) and by parts (5) and (6), and parts (3) and (4) respectively become parts (7) and (8).)

Article 14. Advertising in periodical publications

In periodical print publications receiving subsidies from the state which are not specialized in communiqués and materials of an advertising nature, advertisements should not exceed 30 percent of the volume of a given issue.

Article 15. Advertising in cinema and video services, help desk services, as well as using telephone, telegraph and telex lines

(1) Broadcasting audiovisual works as well as art films (excluding serials, entertainment programs and documentary films) lasting more than 45 minutes can be interrupted once after each period of 45 minutes. Further interruptions are allowed if the duration of the program exceeds by not less than 20 minutes two or more full 45-minute periods (in the redaction of the Law No. 522-XV dated December 18, 2003).

(2) In telephone information desk services, advertising information is presented only after the caller is given the requested subscriber number.

(3) In paid information desk services by telephone, computer or other service, advertising information is given to the subscriber only with his consent. The cost of such information must not be included in the cost of help with inquiries.

(4) Use of free-of-charge telephone channels of the police, first aid, fire service and other emergency lines to disseminate advertisements is prohibited.

(5) Advertising using telex or teletype, facsimile or other electronic media without a special request is prohibited.

Article 16. Outdoor advertising

(1) Outdoor advertising is done by placing visual information on placards, billboards, stands, constructions of various types (free-standing and located on walls and roofs of buildings), as well as using three-dimensional and illumination advertising, electromechanical and electronic suspended tableaux or other technical media.

(2) The placement of outdoor advertising is allowed when a permit is obtained from the appropriate local public administration agreed with:

a) a territorial subdivision of the Traffic Police of the Ministry of Internal Affairs;

b) a territorial body of the administration of highways in case the advertising is placed on highways outside settled points;

c) the appropriate body of the administration of Moldova Railways - in case the advertising is placed along the railway.

(3) Refusal to allow outdoor advertisements is justified in written form.

(4) Outdoor advertising on buildings and other structures within private property is set up with the agreement of the territorial body responsible for architecture and does not require special permission of the bodies of local public administration.

(5) A fee is charged for placement of outdoor advertising; the manner and amount are defined in the Tax Code. Other fees and tariffs are prohibited.

(6) The medium of outdoor advertising is the property of one of the parties to advertising activity in accordance with a contract concluded between the parties to this activity.

(7) It is forbidden to place outdoor advertising:

a) in a way that damages or destroys trees;

b) within protected areas of monuments of architecture, history and

culture.

(8) Outdoor advertising cannot have the form or dimensions of road signs.

Article 17. Advertising places of trade and places where services are provided

The use by parties to entrepreneurship in indoor or outdoor architectural-artistic decoration of places of trade and where services are provided of company and product trademarks, emblems, goods or their images, or any other information matching the profile of the enterprise is not considered advertising and is done without the permission of the bodies of local public administration.

Article 18. Advertising on transport vehicles and postal delivery equipment

(1) Placing advertising on vehicles intended for transport of passengers, delivery of goods or providing services is done without the permission of bodies of local public administration on the basis of a contract with the owner of the vehicles.

(2) Limitations on placing advertising on vehicles are set only by bodies empowered to control the safety of traffic.

(3) Placing advertising on postal equipment is done only with the permission of the central sectoral body of public administration in the field of postal communications. The method of giving out permits and the amount of payment assessed for this are defined by the respective body. Payment is made in full into the state budget.

Article 19. The special features of advertising of certain kinds of goods and services

(1) Direct advertising (showing the process of consuming alcoholic beverages) must not (in the redaction of the Law No. 18-XV dated February 7, 2003):

a) be disseminated on television channels from 7 AM until 10 PM;

b) create the impression that the use of alcohol has great importance for attaining social, sports or personal success or for improving one's physical or mental state (redaction of the Law No. 18-XV dated February 7, 2003);

c) discredit abstinence and the non-use of alcohol, contain information about the positive therapeutic properties of alcohol or present high alcohol content in a product as a merit (in the redaction of the Law No. 18-XV dated February 7, 2003);

d) be addressed directly or indirectly to minors or contain images or statements of private individuals who enjoy popularity among minors. It is not allowed to draw minors into advertisements showing use of alcoholic beverages (in the redaction of the Law No. 522-XV dated December 18, 2003);

e) be disseminated in any form on television and radio broadcasts, in cinema and video services, printed publications intended for minors;

f) be disseminated on the front page of newspapers and also on the front cover and first page of magazines;

g) be disseminated in children's and educational establishments, medical institutions, as well as at a distance of less than 100 meters in line of sight from them;

h) encourage abuse of alcoholic beverages or present abstinence or moderate use in a negative light (supplemented by the Law No. 522-XV dated December 18, 2003);

i) direct special attention to the alcohol content in beverages (supplemented by the Law No. 522-XV dated December 18, 2003).

(2) Advertising tobacco products on television and radio, as well as on outdoor advertising, except for outdoor advertising in places where these products are manufactured and traded, is prohibited. Direct advertising

(showing the process of consuming tobacco and tobacco products) must not:

- a) create the impression that smoking helps one to attain personal, social or sports success or to improve one's physical and mental state;
- b) discredit abstinence from smoking, contain information about the positive therapeutic properties of tobacco and tobacco products or present their high quality as a merit;
- c) be addressed directly or indirectly to minors, or also contain images or statements of people who enjoy popularity among minors;
- d) be disseminated in any form whatsoever on television and radio broadcasts, cinema services, printed publications intended for minors;
- e) be placed on the first and last pages of newspapers and magazines and also on the covers of magazines;
- f) be disseminated in children's and school establishments, medical institutions (supplemented by the Law No. 18-XV dated February 7, 2003).

(3) Direct advertising of tobacco and tobacco products in all cases must be accompanied by a warning about the harm of smoking, and television and radio programs, cinema productions must devote to this warning not less than three seconds of airtime of the advertised object, and when disseminating advertisements in other media, no less than three percent of the advertising surface area (in the redaction of the Law No. 18-XV dated February 7, 2003).

(4) Advertising of medicines, products for medicinal use, medical equipment without permission for their production and (or) sale, as well as advertising of methods of treatment, preventive measures, diagnostics or rehabilitation without permit to provide such services issued by the central sectoral body of public administration in the field of public health is not allowed, including in cases of obtaining patents for inventions in the indicated field.

(5) Advertising pharmaceuticals prescribed by doctors, as well as advertising of products for medicinal use and medical equipment requiring special preparation for use, is allowed only in printed publications intended for workers in the area of medicines and pharmaceuticals (in the redaction of the Law No. 522-XV dated December 18, 2003).

(6) Without the permission of the central sectoral body of the public administration in the field of public health, the following are prohibited:

- a) advertising oriented towards society as a whole in which there are references to the therapeutic effect with respect to incurable illnesses or those which it is very difficult to cure;
- b) advertising of mass treatment sessions using suggestion, hypnosis or other methods of psychological or bio-energy influence on a person.

(7) It is prohibited to advertise all forms of weapons, arms and military equipment except for legal hunting and sports firearms (including vintage arms). Advertising of permitted weapons via electronic mass media is allowed from 10 PM until 7 AM.

(8) It is prohibited to advertise entrepreneurial activity relating to maintaining a casino, operating gambling machines and cash drawings.

(According to the Law No. 18-XV dated February 7, 2003 article 19 is supplemented by the new part (2), and parts (2) - (7) to be considered respectively parts (3)-(8).)

Article 20. Peculiarities of advertising financial, insurance and investment services and securities

(1) When producing, placing and disseminating advertisements for financial (including banking), insurance and investment services related with using the cash of private persons and legal entities, as well as advertising securities, it is not allowed:

- a) to introduce information about the amount of expected dividends, as well as quantitative information not having direct connection with the services

or securities being commercialized, including relating to an estimate of the expected income;

b) to guarantee the size of dividends on common shares;

c) to advertise securities prior to state registration of their issuance or in case the emission was recognized as being invalid;

d) to present any sort of guarantee, to make promises or express suppositions about future effectiveness (profitability) of activity, including by stating the growth of the quotation of the securities;

e) to keep silent about even a single condition of the contract if its conditions are set out in the advertisement.

(2) Advertisements for financial, insurance and investment services and securities are possible only if the advertiser has a state license certifying his right to carry on the respective form of activity and showing the body which issued the license, the number of the license and date of issuance.

Article 21. Social advertising

(1) Social advertising is public and state advertising promoting a healthy lifestyle, protecting one's health and the environment, preserving energy resources or social defense of the population; it does not have a commercial character and is directed at attaining beneficial goals solving socially important tasks.

(2) Activity carried out on a free-of-charge basis by parties to social advertising, the transfer of their property including cash by other private persons and legal entities to produce and disseminate social advertising is recognized as being a charitable activity for which the law provides privileges.

Article 22. Sponsorship

(1) For the purposes of this law, sponsorship is taken to mean a contribution made by private persons or legal entities (sponsor) in the form of cash, property, intellectual property, rendering services, carrying out work on behalf of another private person or legal entity (the sponsored party) when the latter prepares and realizes programs and measures having a public nature. In the course of implementing these programs and measures the sponsor's advertising is disseminated under conditions specified in a sponsorship contract.

(2) The sponsorship contribution is recognized as payment for advertising, and the sponsor and sponsored party are respectively the advertiser and the advertising disseminator.

(3) Influence of the sponsor on the content and time for airing of the sponsored broadcasts affecting the editorial independence of the advertising disseminator is prohibited.

(4) The sponsored parties of a broadcast must not encourage the sale or purchase of goods or services of the sponsor or a third party.

(5) Private persons or legal entities whose main activity is the manufacture or sale of goods and services whose advertising is prohibited in accordance with article 19 cannot be sponsors of broadcasts.

(6) Sponsoring broadcasts on political themes and news programs is prohibited.

(According to the Law No. 522-XV dated December 18, 2003 article 22 is supplemented by parts (3) - (6).)

Article 23. Protection of minors in production, placement and dissemination of advertising

(1) Advertising intended for minors or capable of influencing them must not contain statements or images which can lead to moral or psychological trauma.

(2) For the purpose of protecting minors against abuse of their gullibility and lack of experience, when producing, placing and disseminating advertising

it is not allowed:

a) to discredit the authority of parents and educators, to undermine trust in them among minors;

b) to prompt minors to try to convince their parents or others to buy advertised products;

c) to suggest to minors that owning certain products gives them some kind of advantage over other minors;

d) to minimize the level of skill which minors must have to use the product;

e) to spread a cult of crude physical force, permissiveness, violence and sadism.

(3) Direct participation of minors in printed and audiovisual advertising is permitted only with the consent of their parents or guardians.

Chapter IV

RIGHTS AND OBLIGATIONS OF PARTIES TO ADVERTISING ACTIVITY

Article 24. Storage period of advertising materials

Parties to advertising activity are obliged to preserve advertising materials and copies of them including changes made to them for one year from the date of the final dissemination of the advertisement except for video and radio clips, which must be kept for one month from the date of the last showing or broadcast on air.

Article 25. Presentation of advertising information for producing and disseminating advertising

(1) The producer of advertising and disseminator of advertising have the right to request, and the advertiser is in this case obliged to present, documentary confirmation of the accuracy of advertising information.

(2) If the activity of the advertiser requires a license, then when advertising the respective product as well as the advertiser himself the latter is obliged to present and the advertising producer and advertising disseminator are obliged to request presentation of the respective license or a copy of it certified in the established manner.

Article 26. Notification of possible violation of legislation on advertising

(1) The producer of advertising is obliged to notify the advertiser that if he follows his requirements when producing the advertising this may lead to violation of the legislation on advertising.

(2) If the advertiser, despite the timely and justified warning of the advertising producer, does not change his demands relative to production of the advertising or does not present upon request by the advertising producer documentary confirmation of the accuracy of the information on goods presented for production of advertising, or does not eliminate other circumstances which could make the advertisement inappropriate, then the producer of the advertising has the right to terminate the contract in the established manner and to demand full reimbursement of losses if the contract does not provide otherwise.

Article 27. Presentation of information to the executive authorities

Parties to advertising activity are obliged upon request from a state body carrying out anti-monopoly regulatory work to present in the established period of time accurate documents, explanations in oral or written form, video and sound recordings, as well as other information necessary for the aforementioned body to carry out its powers stipulated in article 28.

Chapter V

STATE CONTROL AND SELF-REGULATION IN THE FIELD OF ADVERTISING

Article 28. Powers of the state body carrying out anti-monopoly regulatory work

(1) The state body of anti-monopoly policy and competition (hereinafter the "state body"), which in accordance with current legislation is charged with enforcing anti-monopoly regulations has within its competence state monitoring of observance of the legislation on advertising. This body (in the redaction of the Law No. 522-XV dated December 18, 2003):

a) carries out an expert evaluation of advertisements to verify whether they satisfy the requirements of the legislation on advertising;

b) sends to parties to advertising activity directives to cease violating the legislation on advertising;

c) sends to the state prosecutor's office and other law enforcement bodies (while observing the principle of competence and the territorial principle) materials for resolving the question of raising criminal charges relating to the field of advertising activity.

(2) The state body has the right to initiate suits in judicial instances, including in the interests of an indeterminate circle of consumers of advertising in connection with the violation by parties to advertising activity of the legislation on advertising, as well as declaring invalid transactions relating to inappropriate advertising.

(3) When initiating a suit in a judicial instance, the state body is exempted from paying the state duties.

Article 29. Right of access to information

(1) For purposes of carrying out the functions entrusted to them of monitoring the observance of legislation on advertising, employees of the state body have the right of unhindered access to all necessary documents and other materials of parties to advertising activity.

(2) Information received by employees of the state body which constitutes a commercial secret according to the Law on Commercial Secrets must not be divulged. In case it is divulged, the losses so caused are reimbursed by the state body in the manner established by law.

Article 30. Rights of professional public organizations acting in the field of advertising

(1) Professional public organizations acting in the field of advertising - unions, associations of private persons and legal entities:

a) are drawn into participation in the development of draft laws and other normative acts governing advertising activity;

b) perform an independent expert evaluation of advertising to verify its conformity with the requirements of legislation on advertising and send the necessary recommendations to parties to advertising activity;

c) are invited by the state body to implement monitoring of the observance of the legislation on advertising.

(2) Professional public organizations acting in the field of advertising have the right to initiate suits in judicial instances in the established manner in the interests of parties to advertising activity and consumers of advertising should their rights set down in the legislation on advertising be violated.

(3) When a suit is won on behalf of an indeterminate circle of consumers of advertising, the court obliges the violator to bring the ruling to the knowledge of the aforementioned consumers via the mass media or by other means within the deadline established in the ruling.

REFUTATIONS OF INAPPROPRIATE ADVERTISING AND RESPONSIBILITY FOR THEM

Article 31. Refutation

(1) In case a court instance rules that there has been a violation of the legislation on advertising, the violator is obliged to halt completely or partially the respective advertisement and in the deadline set by the court he must issue a refutation. The expenses on giving the refutation are borne fully by the violator.

(2) The refutation is done via the same means of dissemination using the same specifications with respect to duration, space and location as the inappropriate advertisement which is being refuted. The content of the refutation is agreed with the state body which established the fact of violation.

Article 32. Liability of parties to advertising activity

(1) The advertiser bears liability for violating the legislation on advertising with respect to the content of information presented for production of the advertising.

(2) The producer of advertising bears liability for violation of the legislation on advertising with respect to production of the advertisement.

(3) The disseminator of advertising bears liability for violation of the legislation on advertising with respect to the time, place and media used to disseminate the advertising.

Article 33. Liability for violating the legislation on advertising

(1) For violating the legislation on advertising, private individuals and legal entities (parties to advertising activity) bear liability as established by current legislation.

(2) Persons and entities whose rights are violated as a result of inappropriate advertising have the right to initiate suits in the judicial instance in the established manner requesting reimbursement of losses including lost benefits, damage caused to health, property, honor and dignity, and the demand compensation of moral damages as well as a public refutation of the inappropriate advertising.

(3) Inappropriate advertising which has caused substantial loss to public interests or which led to infringement of rights and interests of citizens protected by law carries criminal liability as established by law.

(4) Being drawn into administrative liability does not free the party to advertising activity from execution of directives to halt violation of the legislation on advertising or a ruling on giving a refutation.

(5) A party to advertising activity has the right to address the competent administrative court in accordance with the law and state that he deems fully or partly invalid the directive or ruling of a state body (in the redaction of the Law No. 240-XV dated June 13, 2003).

(6) Submission of such a declaration does not halt execution of the command or ruling of the state body if a court instance has not made a determination halting the execution of the aforementioned acts.

Chapter VII FINAL PROVISIONS

Article 34

(1) This law comes into force from the date of its publication.

(2) Within a period of three months, the Government:

Presents to Parliament its proposals on bringing existing legislation into conformity with this law, as well as on introducing in it changes and additions stipulating the liability for violations in advertising activity;

To bring its normative acts into conformity with this law.
(According to the Law No. 268-XVI dated July 28, 2006 part (2) is excluded and part (3) becomes part (2).)

CHAIRMAN OF PARLIAMENT

Dumitru MOTSPAN

ARCHIVE

Article 2.

The legislation on advertising consists of this law and other normative acts adopted in accordance with it.

Part (3) of article 8:

(3) The dissemination of advertising is done in the state language or, upon the wish of advertisers, in other languages except for outdoor advertising. Dissemination of outdoor advertising in other languages is permitted in the form of dubbed advertising information presented in the state language, except for registered trademarks.

Article 8.

(1) Advertising must be identified as such without special knowledge and without applying technical means.

(2) In the mass media, advertising must be clearly separated from other materials and programs with the help of printed, audiovisual or combined media or commentary.

(3) The dissemination of advertising is done in the state language or, at the wish of the advertiser, in other languages in conformity with the Constitution of the Republic of Moldova, the Law on the Functioning of Languages on the Territory of the Republic of Moldova and other acts in this field, as well as international treaties and conventions to which the Republic of Moldova is one of the parties (in the redaction of the Law No. 314-XV dated June 28, 2001).

(4) It is prohibited to advertise a product (service) which requires certification (licensing) if there is not a certificate (license), and also to advertise a product (service) which it is forbidden to produce and sell in accordance with current legislation.

(5) It is not allowed to use in advertising without the respective permission any state symbols, names or abbreviations of companies, enterprises, institutions and organizations.

(6) Advertising must not:

- a) contradict the interests of the state;
- b) prompt actions which violate environmental protection legislation;
- c) contain information which is inaccurate;
- d) raise panic, contain elements which instigate citizens to violence, dangerous actions capable of causing harm to the health of people or threatening their safety;

e) without explained educational or social causes to contain images or descriptions of dangerous activity or situations in which we see negligence of safety measures.

(7) Information about television and radio programs is not advertising and is disseminated in the mass media free of charge.

Part (2) of article 13:

(2) It is not allowed to interrupt with advertising:

- a) children's and religious broadcasts;
- b) educational broadcasts more than once in the course of 20 minutes for a period not to exceed 30 seconds.

Part (1) of article 15:

(1) To interrupt with advertising the showing of a film, except breaks between series; in cinema and video services, it is not allowed.

Part (2) of article 19:

(2) Direct advertising of tobacco and tobacco products in all instances must be accompanied by a warning on the harm of smoking, and in television and radio programs no less than three seconds of airtime of the advertised object must be devoted to this warning; when disseminating advertising by other means, no less than three percent of the advertising surface area.

Part (2) of article 34:

(2) Before the provisions of the Tax Code relative to fees for placing advertising come into force, the taxes on advertising stipulated in the Law on Local Taxes and Fees are collected.